

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JESUS SANTIAGO,

Plaintiff,

- against -

12-CV-2137 (KAM) (SLT)
CIVIL PRETRIAL
SCHEDULING ORDER

HOCHUL, et al.,

Defendants.

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The parties in the above captioned civil case having been unable to reach a settlement and desiring to try this case before the court, the parties are directed:

1. To **APPEAR** with counsel ready **TO SELECT A JURY and TRY THE CASE** and to have available witnesses and exhibits on **November 23, 2022 at 9:00 a.m.** in Courtroom No. 6C South on the 6th Floor, United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York. In accordance with Federal Rule of Civil Procedure 48(b), eight (8) jurors will be selected, and six (6) jurors may decide the case if two (2) jurors must be excused.

2. To **MEET and CONFER, prior to August 26, 2022**, to make every effort to (i) resolve any **OBJECTIONS** regarding the admissibility of evidence; (ii) enter into **STIPULATIONS OF FACT**, including stipulations as to the authenticity of all documents intended to be offered in evidence at trial and give notice as to all remaining objections to authenticity to permit the adversary to have available at trial all necessary foundation witnesses; (iii) resolve any remaining disputes prior to bringing those disputes to the court's attention; and (iv) exchange revised witness and exhibit lists which reflect the parties' best assessments of those witnesses they actually intend to call or proffer at trial.

3. To **FILE a REVISED JOINT PRETRIAL ORDER** by **August 26, 2022**, in the form specified in the court's pretrial practices, including but not limited to: (i) witness and exhibit lists; (ii) all stipulations of fact; (iii) any objections to the admissibility of evidence still remaining; and (iv) a streamlined and updated view of the case after the parties' have met and conferred.

4. To **SERVE and DELIVER** to Chambers two courtesy copies, via FedEx or messenger, of all pretrial **MOTIONS** (e.g. motions *in limine*, but no further motions for summary judgment) based on any defense, objection, or request, which is capable of determination before the trial of the general issue, on or before **July 8, 2022**, all oppositions to motions by **July 22, 2022**, and all replies, if any, by **July 29, 2022**, and to **FILE** all fully briefed motions via ECF, by **July**

29, 2022, and not before. All motion papers addressing the admissibility of evidence shall attach copies of the disputed evidence.

5. To **CONFER and FILE via ECF and PROVIDE** two courtesy copies to Chambers, **no later than October 15, 2022,** of:

(i) a stipulated statement of the case briefly describing the nature of the case and issues to be tried;

(ii) a final LIST OF EXHIBITS and a final LIST OF WITNESSES, including, with respect to any expert witness, a description of qualifications and a summary of expected testimony. The parties are expected to resolve disputes regarding exhibits and witnesses and must provide the legal basis for any remaining disputes for each exhibit or witness;

(iii) a LIST OF PERSONS, including attorneys; CORPORATIONS; ENTITIES; INSTITUTIONS; PLACES; and SCIENTIFIC, TECHNICAL or COLLOQUIAL TERMS that will be referred to by counsel or witnesses during the trial, for the use of the court in voir dire of prospective jurors and to assist the court reporter in recording the proceedings;

(iv) VOIR DIRE requests that should be designated as stipulated if possible, or that identify the party requesting the specific question;

(v) PROPOSED VERDICT FORMS, SPECIAL VERDICT FORMS, AND PROPOSED SPECIAL INTERROGATORIES, if applicable;

(vi) PROPOSED REQUESTS TO CHARGE, with legal authority cited for each request, which the parties intend to ask the court to consider without prejudice to the parties' right to submit additional requests to charge, the need for which was not apparent prior to trial, at the conclusion of the taking of evidence;

6. To **APPEAR** with counsel who is to try the case at a **PRETRIAL CONFERENCE** on **Friday, November 18, 2022 at 12:00 p.m.** in Courtroom 6C South on the 6th Floor, United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York.

(a) **At the November 18, 2022 pretrial conference,** each party shall bring for inspection two copies of all exhibits, pre-marked for identification (e.g., Plaintiff's Ex. 1; Defendant's Ex. A), which the party intends to offer in evidence at trial, including:

(i) each item of physical or documentary evidence;

(ii) any learned treatises or publications to be introduced pursuant to Federal Rule of Evidence 803(18);

(iii) any disc upon which the exhibits have been recorded in digital form, if the party intends to present the evidence at trial digitally; and

(iv) if TRANSCRIPTS are to be used either as substantive evidence or aids to the court, a single copy shall be appropriately marked by all parties to indicate (i) portions to be read, and (ii) portions objected to.¹

7. The parties are advised that the Court will entertain having a bifurcated trial of the issues of liability and, if necessary, a trial on damages to follow immediately.

8. Each party is responsible for arranging, at its own expense, the assistance of a court-certified interpreter for any witness it will present who cannot testify in English.

SO ORDERED.

Dated: June 16, 2022
Brooklyn, New York

/s/
Hon. Kiyo A. Matsumoto
United States District Judge

¹ If any party wishes to present marked exhibits to the jury in digital form, the parties are directed to meet with the Chief Deputy Clerk for Automation Services and my case manager prior to the commencement of the trial to review the available equipment in the courtroom where the trial shall take place and to determine what equipment the court can provide and what equipment the parties must provide. Counsel should be accompanied by the audio-visual personnel who will be operating any equipment that will be used at trial. By no later than **November 18, 2022**, the parties shall file a confirmation in writing via ECF that this meeting has occurred and shall include a general outline of the understandings reached.